

## **REMARKS**

This Amendment is in response to the Office Action mailed on November 8, 2004. Claims 1-5 have been amended and claims 6 and 7 have been added. The amendments to claims 2-5 are editorial. The amendments to claim 1 are supported throughout the specification. See, for example, page 4, line 8 through page 5, line 14; and Figures 1, 6, and 7. New claims 6 and 7 are also supported throughout the specification. See, for example, page 4, lines 8-19; page 5, lines 15-24; and Figure 2. Accordingly, no new subject matter has been added. Applicants submits that in view of the above amendments and the following remarks, the pending claims are in condition for allowance.

### **35 U.S.C. §112 Rejections**

Claims 2-5 were rejected under 35 U.S.C. 112 as being indefinite. This rejection is traversed.

Regarding the typographical error highlighted in the Office Action, the phrase "A body" in claims 2-5 have been replaced with "The body" in accordance with the Examiner's suggestion.

Regarding the rejection that claim 4 lacks support in the specification, Applicant directs the attention of the Examiner to the following:

As shown in Fig. 2, the load imposing device 13 includes (i) a spring (member) 25 which is made of a shape memory alloy and is coiled.

Application at Page 5, lines 15-16.

Furthermore, a plate spring may be used instead of the coil-shaped spring 25. That is, instead of the load imposing device 13, a load imposing device 1300 as shown in Fig. 7 may be employed. In the load imposing device 1300, a fastening member 33 is fixed at the center of a cylinder-shaped or square-shaped pipe member 32, and plate springs 34 and 34 are provided at both sides of the fastening member 33 in the pipe member 32.

Application at Page 9 lines 8-13.

In view of the above Applicant submits that the subject matter of claim 4 is supported in the specification of the application.

Regarding the rejection that claims 5 lack support in the specification, Applicant directs the attention of the Examiner to the following:

Instead of the load imposing device 13, a load imposing device 130 as shown in Fig. 6 may be employed. The load imposing device 130 has (i) a band 30 (i.e., a band-shaped member) which is made of a shape memory alloy and is wound around the front side frame 12 (see Fig. 6), (ii) an electric heater (not shown) which may be provided inside the front side frame 12, and (iii) a power source (not shown) for supplying power to the electric heater. In this structure, heating using the electric heater is performed so as to impose a load in a manner such that the front side frame 12 is tightened up by the band 30 from all directions in the vertical and right-left directions. Here, the band 30 may be wound along the inner-peripheral wall of the front side frame 12 so as to impose force for expanding the front side frame 12 from the inside of the frame.

Application at Page 8, lines 13-23.

In view of the above Applicant submits that the subject matter of claim 5 is supported in the specification of the application.

### **35 U.S.C. §102 Rejections**

Claims 1-5 were rejected as being anticipated by Negado (U.S. 3,831,921). This rejection is traversed.

Claim 1 is directed at a body frame of a vehicle including, among other things, a frame member having opposite faces which face each other, and a load imposing device for imposing a load on the opposite faces of the frame member when impact on the frame member in the longitudinal direction of the frame member is anticipated or imposed. Negado fails to disclose at least the above feature of claim 1.

In particular, Negado fails to disclose: a frame member having opposite faces which face each other; a load imposing device for imposing a load on the opposite faces of the frame member; and/or a load imposing device for imposing a load when impact on the frame member in the longitudinal direction of the frame member is anticipated or imposed. Negado merely discloses springs attached to a bumper of a vehicle to absorb impact. Accordingly, claim 1 is not anticipated.

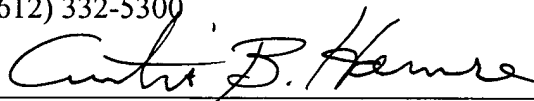
Claims 2-5 depend from and further limit claim 1, therefore, they are not anticipated for at least the same reasons.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: February 8, 2005

  
Curtis B. Hamre  
Reg. No. 29,165  
CBH/JEL:sll

